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असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 15th May, 1989/Vaisakha 25, 1911 (Saka)

The following President's Act is published for general information:—

THE PUNJAB AGRICULTURAL PRODUCE MARKETS (AMENDMENT) ACT, 1989

Enacted by the President in the Fortieth Year of the Republic of India.

An Act further to amend the Punjab Agricultural Produce Markets Act, 1961

24 of 1987.

In exercise of the powers conferred by section 3 of the Punjab State Legislative (Delegation of Powers) Act, 1987, the President is pleased to enact as follows:—

1. (1) This Act may be called the Punjab Agricultural Produce Markets (Amendment) Act, 1989.

(2) It shall come into force at once.

Short
title and
com-
mence-
ment.

Punjab
Act 23 of
1961.

2. In the Punjab Agricultural Produce Markets Act, 1961 (herein-
after referred to as the principal Act), in section 3, in sub-section (8), in
the proviso, for the words "two years", the words "two years and six
months" shall be substituted

Amend-
ment of
section 3.

Amend-
ment of
section
12-C.

3. In section 12-C of the principal Act, in the proviso, for the words "one year and six months", the words "two years" shall be substituted.

R. VENKATARAMAN,
President.

V. S. RAMA DEVI,
Secy. to the Govt. of India.

Reasons for the enactment

The Market Committees in the State, nominated in accordance with the provisions of the Punjab Agricultural Produce Markets Act, 1961, were not representative bodies and were not serving the best interests of the State due to party faction and gross mismanagement. By the Punjab Agricultural Produce Markets (Amendment) Act, 1987 (President's Act 3 of 1987), the nominated Market Committees in the State were superseded and the State Government Officers were appointed as Administrators to perform the functions of the Market Committees and their Chairmen, etc., for a period of one year, that is to say, up to the 16th November, 1988, and further extended by six months, i.e., up to the 15th May, 1989, by the Punjab Agricultural Produce Markets (Amendment) Act, 1988 (President's Act 10 of 1988). Under the circumstances prevailing in the State, it is not possible to hold elections to the Market Committees and it is, therefore, proposed to amend the Punjab Agricultural Produce Markets Act, 1961, to enhance the period of supersession by six months.

2. The Punjab State Agricultural Marketing Board constituted under section 3 of the Punjab Agricultural Produce Markets Act, 1961, was suspended by the State Government with effect from the 19th June, 1987, under the powers conferred on it by sub-section (8) of section 3 of the Act and appointed the Financial Commissioner Development and Secretary to Government, Department of Agriculture, Punjab, to exercise the functions of the Board and its Chairman till such time as the new Board is constituted. Originally, the Board had to be reconstituted within six months from the date of its suspension. However, keeping in view the prevailing circumstances in the State of Punjab and to ensure administrative pattern conducive to the requirements under the said circumstances it was considered necessary to enhance the period of suspension of the said Board from six months to one year and six months. Accordingly, by the Punjab Agricultural Produce Markets (Second Amendment) Act, 1987 (President's Act 4 of 1987), the permissible suspension period was increased from six months to one year and six months. This period was further extended by six months by the Punjab Agricultural Produce Markets (Amendment) Act, 1988 (President's Act 10 of 1988). This period of suspension comes to an end on the 18th June, 1989. The circumstances which led to the passing of President's Act 10 of 1988 remain unchanged. Further, a comprehensive administrative organisation is being undertaken in the Board to prevent the recurrence of the circumstances leading to its suspension.

3. The Government have, therefore, decided to enhance the suspension period of the Agricultural Marketing Board from two years to two-and-a-half years and the supersession of the Market Committees from one year and six months to two years by amending section 3 and section 12-C, respectively, of the Punjab Agricultural Produce Markets Act, 1961, suitably for this purpose.

4. Parliament has under article 357(1) (a) of the Constitution conferred on the President the power of the legislature of the State of Punjab to make laws *vide* the Punjab State Legislature (Delegation of Powers) Act, 1987 (24 of 1987).

5. Under the proviso to sub-section (2) of section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1987, the President shall, before enacting any President's Act, whenever he considers it practicable to do so, consult the Committee constituted for the purpose consisting of the Members of both the Houses of Parliament. In view of the urgency of the matter, it is not practicable to consult the Committee. This measure is, accordingly, being enacted without reference to the Committee.

V. C. PANDE,

Secretary to the Government of India.
(Department of Rural Development).